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February 23, 2105

REQUEST TO BE
FILED EX-PARTE

The Honorable John Gleeson
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Vodicka v. United States, 15-mc-242 (JG)

Dear Judge Gleeson:

I write to show cause why Brian Vodicka's request for an unsealing order in my client Gennady Klotsman's case, *United States v. Klotsman*, 02 CR 1313 (ILG), ought not be issued.

Mr. Klotsman cooperated with the Government and received the benefits of a "5K letter." While Mr. Klotsman was himself guilty primarily of stock fraud and money laundering of the proceeds of that stock fraud, his cooperation was also against major traditional Italian-American Mafia members who had infiltrated and essentially taken over various "boiler room" style stock fraud organizations with which my client was familiar. My client never testified in public at any trial or court proceeding. His cooperation is not open and notorious. Several of these men are convicted killers, and they are or were all personally or by association extremely dangerous. Should this letter become unsealed I don't want to include their names or details of that cooperation in this letter. Suffice it to say that were they to learn the nature and extent of Mr. Klotsman's assistance to the Government it would pose a potential threat to his or his family's safety. The Court has access to the Government's 5K letter.

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On the other side of the coin, Mr. Vodicka's stated reason for wanting the file unsealed is that the United States Attorney in this District, Loretta Lynch, is nominated for the job of Attorney General and that in some unexplained way these sealed files will be of assistance to the public or Congress in evaluating her fitness for that job.

While the Court system generally favors open records and proceedings there are exceptions to this general rule, such as the need to protect informants. The two prosecutors in Mr. Klotsman's case, Eric Corngold and Jonathan Sack, are obviously not Loretta Lynch and while she may have had some knowledge of this case I have no reason to believe that she made any decision concerning it or really any close connection to the case at all. All letters were written by those prosecutors and not by Ms. Lynch. In other words, the stated need for the sealed records is not compelling.

I will appear in Court for oral argument on this motion on March 13, 2015, at 11:00 a.m., or at a later date if the matter is adjourned.

Because this letter contains information about my client's cooperation against very dangerous people I request that it be filed ex parte.

Respectfully submitted,

A handwritten signature in blue ink, appearing to be 'AS' or similar initials, written over a horizontal line.

Alexei Schacht

cc: AUSA Alicyn Cooley